



## COMMUNITY SAFETY: GANGS

### LEGISLATION:

#### ANTI-GANG BILL: PREVENTION, INTERVENTION AND PROSECUTION

##### Prevention:

- Recognizing that young people need positive alternatives to youth violence, this proposal directs the Office of Juvenile Justice to seek funds from the federal Office of Juvenile Justice and Delinquency Programs. These funds will establish a competitive statewide grant program to fund local projects offering gang prevention and intervention.

##### Civil Provisions:

- Permits county and municipal governments to file nuisance abatement actions against properties on which three separate criminal street gang-related offenses have occurred in the prior year.
- Authorizes imposition of neighborhood anti-criminal street gang protection orders. Permits county and municipal governments to seek a court order prohibiting persons proven to be criminal street gang members from engaging in gang-related behaviors in the area in which the gang operates. Violations of the conditions imposed by the order are punishable as a gross misdemeanor offense.
- Requires hospitals to report all gunshot and stab wounds, modifying current law, which only requires reporting if the victim is unconscious.

##### Criminal Provisions - Juveniles

- Excludes criminal street gang-related juvenile firearms offenses from being eligible for deferred dispositions – cases in which judges avoid finding an offender guilty of a crime.

##### Criminal Provisions - Adults

- Establishes sentencing enhancements for gang-related felonies, similar to existing firearm enhancements: Class A - 24 months; Class B - 18 months; Class C - 12 months.
- Expands the scope of criminal gang intimidation laws. According to current law, it's a crime to threaten another with bodily injury for refusing to join or withdraw from gang, but only if the perpetrator or victim is a public school student. Our proposal creates a new crime of criminal gang intimidation not limited by public school status.
- Adds commercial sexual exploitation of a minor to list of gang offenses.
- As part of any sentence for tagging/graffiti, the court may require that offenders complete 100 hours of community service work in a graffiti abatement program.
- Allows courts to impose up to one year of community custody, when a sentence of less than one year and a day of confinement is imposed for a criminal street gang-related offense.

#### COSTS & POTENTIAL OFFSETS

- Due to budget concerns, the AGO eliminated the request for \$10 million in gang prevention and intervention funding and replaced it with language requesting federal funds.
- The total estimated cost of felony gang enhancement is \$872,000 for the 2011-2013 biennium based on the assumption that the imposition of the gang enhancement will triple in next biennium over the number of times it has been imposed in the past five years.
- Reforming Washington's liability laws could reduce what the state pays out in judgments and settlements, bringing our state in line with similar-sized states, and saving as much as \$40 million per year.
- Adopting SB 5025/HB 1034 to eliminating Public Records Act penalties for inmates could save hundreds of thousands of dollars per year. DOC paid out more than \$1.2 million for such cases between 2003-2010.

### THE PROBLEM:

From Spokane to Seattle to Yakima and beyond, gang violence plagues Washington state. Young lives are cut short and, increasingly, innocent victims are caught in the crossfire. The epidemic of violence, which disproportionately impacts economically challenged communities, demands a strong reaction.

### BACKGROUND:

- According to the 2009 National Gang Threat Assessment by the National Gang Intelligence center (NGIC) and the National Drug Intelligence Center (NDIC), there are more than 2000 gangs with 37,000 active members in the Northwest Region, which includes Washington, Oregon, Idaho, Montana and Wyoming.
- In 2006, an informal AGO statewide survey of street-level investigators reported an approximate 300 percent increase in gang activity. Cities including Yakima, Tacoma, Seattle and Everett report significant spikes in gang-related crimes.